

Brandon Lisi  
Inmate Reg. No. 62739-054  
Federal Correctional Institution  
Fort Dix  
P.O. Box 2000  
Joint Base MDL, NJ 08640

May 17, 2019

Honorable Judge Katherine Polk Failla  
United States District Court Judge  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
40 Foley Square  
New York, NY 10007

RE: United States v. Lisi  
Criminal Case #: 1:15-cr-00457 (KPF)

Dear Judge Failla:

As the Court is aware, I am the Defendant in the above-referenced criminal proceeding. I am incarcerated at the Federal Correctional Institution at Fort Dix in New Jersey. The referenced proceeding is now on appeal before the Second Circuit. I am appearing pro se, in forma pauperis with respect to the appeal, and I am also now appearing pro se with regard to the issue(s) I am raising as described in this letter.

I am writing to apprise Your Honor of certain issues arising subsequent to my sentencing in this case. I am requesting, most respectfully, the assistance of this Court with respect to resolving these issues. The first issue relates to my inability to obtain documents from the above-referenced case. I need to obtain these documents to compile, prepare, and file my pro se supplemental appendix (now technically a pro se appendix with the Second Circuit). As a result of my incarceration, I do not have access to ECF/PACER and can not print from any discs, flash drives, and/or other devices. I have written to the Second Circuit without any success at obtaining copies of the documents I need for my appendix. I have also explained my predicament to my former Court-appointed appellate lawyers.

To date, my requests for assistance have fallen upon deaf ears. To exhaust every possible potential avenue for assistance, I even attempted to contact AUSA Noah Solowiejczyk. I have been unable to reach him, and the prison phone system prevents me from leaving a message on his voicemail. Only after a thorough and diligent effort to obtain the needed documents has not achieved success, have I turned to this Court for assistance and written this letter to Your Honor.

Accordingly, I respectfully request Your Honor to direct the appropriate individual on the Court Staff to provide copies of the following documents to me via U.S. Mail posted to my address at FCI- Fort Dix set forth at the top of this page: (I.) the full Criminal Docket Report (Criminal Docket Report print-out sheet); (II.) after I review the docket sheet I can inform and identify the appropriate Court Staff individual the copies of specific documents I

require. The assistance of the Court with respect to this matter will resolve the tenuous position I face in connection with assembling and filing my pro se appendix on appeal. The Second Circuit has set May 25, 2019 as a deadline for me to complete this task.

Although the timing is not as trip-wire as my deadline for the first issue, the second issue is that I am also seeking assistance with regard to obtaining access to documents previously available to me when I was housed for several years on the West Compound at Fort Dix. As Your Honor may recall, you previously assisted me when you had my Rule 16 materials forwarded to me at the Fort Dix facility. When I was transferred from the West Compound to the East Compound I was separated from this material and I have not been able to access approximately fifteen (15) boxes of documents now stored on the West Compound.

My former lawyer Lisa Scolari, Esq. previously informed me that an arrangement had been reached with the Fort Dix Legal Department to forward the Rule 16 materials to my next location (in the event that I was moved) or to my new counsel or to my home and/or place of my designation. I have been moved to a new location and even though the location is at Fort Dix, I have no access to the Rule 16 materials because inmates cannot travel freely between the East and West Compounds. I request most respectfully guidance from the Court on how to resolve this matter. I believe a direction from the Court to my former attorney to assist and follow through with respect to what she said she would do would not be inappropriate, especially when her representation to me concerning the documents was made while she was acting as my Court-appointed counsel.

The third issue (also relating to documents) concerns Docket Entry number "193" and other like it, appearing in my case. Apparently, this docket entry was filed with the Court on February 20, 2019. The entry is described as a "Sealed Document placed in vault (rz)." If this entry pertains to me then I believe I should be provided with a copy of it or the reason(s) why the document is sealed. At this point, I am in the dark and I have no way of knowing whether the document might affect any of my arguments on appeal. I have also observed similar entries entitled "Sealed Document placed in vault (rz)." With respect to these documents I request copies or a statement of why the documents are sealed. I am willing, if necessary, to agree to hold the documents and their contents in confidence and not divulge the existence or content of the sealed document(s) without the prior written approval of this Court.

My fourth issue relates to the status of the funds in the Gordon & Haffner Escrow Account. My understanding is that those funds were seized by the Government over the objection of Gordon & Haffner and this Court dismissed the Gordon & Haffner claim to the funds. I have not received any indication of whether the funds have been distributed and, if distributed, whether the funds were received by the entitled recipients in "an approximately proportional payment" as Your Honor previously entered. As I recall, I was told that the Escrow Account had a balance in excess of \$450,000.00

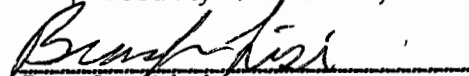
Distinct from any concern that the appropriate individuals received their appropriate amount(s) of the escrowed funds, I have another reason for my inquiry. I recently received correspondence from New York State, and this

correspondence could relate to a claim by an individual entitled to a portion of the escrowed funds. The correspondence I received from New York State indicated this individual may not have received any distribution from the Gordon & Haffner Escrow Account. To enable me to respond to New York State when I am able to do so, I respectfully need to know what happened (if anything) to the funds the Government seized from the Gordon & Haffner Escrow Account, in order that my response is accurate.

My fifth issue that I am bringing to the attention of the Court relates to a "Curcio Hearing" regarding Ms. Arvanitakis, her attorney, and another attorney represented by counsel for Ms. Arvanitakis. The Government submission in connection with the hearing mentions me with respect to what seems to be described as ongoing matters. I request future notice of hearings and copies of all documents filed in this manner to enable me to protect any interest I might have at stake. I believe this is a reasonable request in view of the promise the Government made on the record in cases before Judge Buchwald and Judge Swain and the plea agreements entered in those cases, as well as in yours.

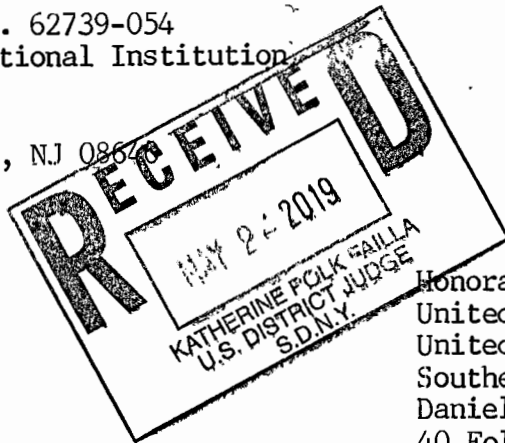
Finally, I am aware that my mother has written you with the assistance of a person that she has described to me as being a "social worker". I hope Your Honor views her letter in light of the deteriorating conditions that she continues to endure, and her concerns for me. In closing, I regret having to burden this Court with my requests for assistance in obtaining documents I simply have no other place to seek what I consider to be equitable and necessary relief. My other requests are self-explanatory, and as such, I appreciate the Court's time and consideration.

Respectfully Submitted,

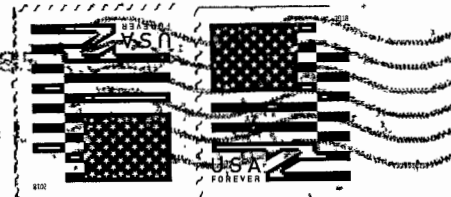
  
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Fort Dix  
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